

DO
NOT ENTER
AMENDMENTS
TO CLAIMS

Cover letter

Interview
Agenda + Proposed
Amendments

Date: Dec. 20, 2006

TO: Daniel I. Walsh

Phone: 1-571-272-2409

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Re: Interview Agenda and Preliminary Changes on Response
Patent Application No. 6,811,078

FROM: Monica L. Workens

Phone: 619-501-6276


Fax: 617-507-5818 (Efx)

Hi Daniel,

Please find attached a number of pages that respond to the concerns of the latest filing for the Continuation in Part on Patent Application No. 6,811,078.

Should you have any questions before we set a Interview date, please feel free to contact me at 619-997-7409 (cell) or any of the numbers listed above.

Best regards,


Monica L. Workens
Inventor

Enclosed:

1.) Agenda (7 pages)

2.) Figure 1 (1 page)

3.) Preliminary response to
Oct 26, 2006 Office Action.
(18 pages.)

27 w/ cover letter

Daniel Walsh
Fax#: 1-571-273-2409
Interview Agenda for _____
At _____
Phone # for call: 619-501-6276
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- I. Discussion Regarding Paragraph 2 of Response dated 10-26-06
  - Note regarding informalities; fine. No other comments.
  - See attached changes (for discussion).
- II. Part 3 – Claim rejections;
  - a.) Record keeping for all transactions in the system will be kept at the Retailers Banks' (Settlement Agent) back office or Servers and at the Retailers' Servers (in house).
  - b.) Current ATM Technology or anyone skilled in the Art does not allow for banks to settle transactions directly. Currently transactions are completed through a 3<sup>rd</sup> Party such as Credit Card Processing Company or Merchant Card Service (noted servers in prior Arts).
  - c.) System Software has the capacity to handle, process, and store all details of a transaction in database format at each Retailer and Bank Server. One skilled in the Art can note that there are no other products in service or in patent format using or claiming to have patent rights to this system.
- III. Part 4 – See Paragraph II above.
- IV. Part 5 – Claim Rejections;
  - a.) Claim 1 recites on "the receiving institution" – User is cardholder and the receiving institution is the retailer.
  - b.) Individual Institutions – each institution (ie Wal-Mart) is considered one or an individual institution. Or otherwise expressed as a single institution vs. a grouping of institutions.
  - c.) The system is noted and defined, for purposes of the patent application, as; the card, card reader, network, and software as noted in Claim 1.
  - d.) With further clarification and definition of "the system," noted in Claim 65 can be defined and reviewed in Claim 1, there should then exist, sufficient basis for patentability. (see proposed changes)
- V. Part 6 – See above Part 5 and proposed changes enclosed. Lim teaches that there is settlement through a "withdrawal information server". In this product, each bank will manage the withdrawal that is associated with the transaction. Lim does not teach that the "withdrawal information server belongs to the bank responsible for the transaction", therefore, we can not assume that this is what is intended in the prior Art of Lim.

For example, I have a Washington Mutual Credit Card. If I buy something with my Washington Mutual Credit Card, with my product, Washington Mutual will

approve and move the money over to the other bank (buy at Target and they have Wells Fargo as ~~their~~ bank account, it would be transferred to them from Washington Mutual) through the POT system and network by way of the Multi-use card. Lim's card is singular in nature and uses a separate server (or a different process). Without the system Lim's ability is only to purchase with a singular account (not multiple) with a completely different process than the one noted. Additionally, Lim's invention does not describe management of transactions or of accounts, bill pay, etc. Lim's disclosure of its patent does not describe a non-user in its ability or prior Art.

- VI. Wynn is restricted in its patentability per its description, of its cards storage only. Wynn teaches that its patent is a card. Card's limit is gathering information, it does not disclose its ability to be transaction based, nor does it note that the transactions can be completed directly through the noted system to the retailer in Real Time Funds. Wynn's card without the balance of the system noted herein, is not able to be utilized in its current existence. Without disclosure, silent claims, can not be considered patentable or protected as prior known Art. Wynn does not note the system or card to work in Real Time nor does it disclose that it transfers money from one account to another account directly to fund a transaction byway of a PIN with the funding of the transaction being initiated from the user, utilizing the PIN to transfer funds directly. Wynn also does not disclose that there could be a non-user associated with the account. Additionally, Wynn uses stored money amounts, not real time values that are updated constantly through the system.

As a continuation in Part, the card by Wynn has been discussed and issues resolved in the previous filing. Wynn's card does not encompass use the above system with card, network, etc.

- VII. Regarding claims 65-69 in Paragraph 6. See proposed changes.
- VIII. Wynn, Pages 7-8 See note VI above.
- IX. Page 8 – Claims 65-69; Record keeping through the POT system is not traditional. First, the bank that sends the money keeps records by way of the software in-house. Secondly, the bank that takes the money for the purchase on behalf of the retailer (for example) keeps the transactions in-house as well through the POT<sup>1003</sup> System Software. No signal or transaction authorization needs to be sent from the Merchant Service to the bank in order to "record" a transaction and make it "official." Disclosed herein is a new way, essentially eliminating a 3<sup>rd</sup> party requirement to record and maintain records that are associated with electronic transactions.

Ramachandran, Lim, nor Wynn discloses the aggregate and individual record keeping capability in each of their systems. Wynn discloses that the card can keep records of transactions. Wynn does not disclose the system, which includes a card, card reader, network and software to be able to complete any type of transaction at the bank(s) server, directly. Similarly, the restrictions are the same with Ramachandran and Lim.

Additionally, current Art does not allow and is not obvious in the way that transactions are kept through traditional systems. In today's known Art, a Merchant Service needs to send a signal or electronic communication to each respective bank in order to note that the transaction is complete and monies should be sent. Through this POT System, each bank keeps its own records through direct response, without the help of a 3<sup>rd</sup> party or by way of a signal by the Merchant Service. In other words, the 3<sup>rd</sup> part merchant doesn't have to send signals to let the bank know the transaction is complete nor does the money get sent to the Merchant Service first. The money is sent directly from one bank to another without the outside assistance of a service by way of a signal from the card and system that the "transaction" has been approved, accepted, and completed by all parties. Parties being defined as Cardholder, Card Company, and Retailer.

Specifically, the disclosed Art enclosed is mutually exclusive in these ways:

- 1.) Neither Lim, Wynn, Kakuta, or Ramachandran disclose use of card and system by "non-users."
- 2.) None of the referenced in 1 above disclose a "system" as being a card, card reader, network, and software.
- 3.) There is no 3<sup>rd</sup> party Server or Service in the enclosed embodiment like in the prior Arts noted and disclosed above in 1
- 4.) The user, in the POT System initiates and approves the transfer by way of PIN (not an automatic transfer) after the transaction has been "approved" by the (crediting) Institution - with the entering of the PIN allowing the movement of money to pay for "transaction," to the debiting institution. Neither Lim, Wynn, Kakuta, or Ramachandran make use of a PIN in this method. When PIN is used in the above mentioned prior Art, it has been disclosed as being the step to access the account or accounts, not to use for completing and authorizing the transaction by way of moving money. Therefore the method or use of the PIN makes it mutually exclusive.
- 5.) In the enclosed embodiment, the Card is the "server"; similar in 1, card acts as the transaction authorizer along with the User and Non-User, therefore making it mutually exclusive to the disclosures in Lim, Wynn, Kakuta, and Ramachandran, in that, the "transactions" all require use of an outside server and card reader. Although Kakuta is silent in this regards but can not be assumed either way.
- 6.) Neither Wynn, Ramachandran, Kakuta, or Lim disclose that the cards in the prior Art have the capability to use at least 1 account to pay for a single transaction or to manage accounts including bill pay, etc. Nor would it make sense that these cards could do this without a system to transact it with that encompasses these capabilities as noted below in 7.
- 7.) The prior know Arts of Wynn, Ramachandran, Kakuta, and Lim rely on outside technology (ie. Ability to use and adapt to current ATM's for its Art) to use their "product." The POT System Software is set up to do a number of different items that not even current ATM/Technology is set up to accomplish today:

*DD Systems*

- a. Automatically provide a Transaction # for each transaction. Currently a 3<sup>rd</sup> party provides this number for each side of the transaction. Nowhere in any of the noted prior Arts listed in 7 do they disclose or offer this ability.

pos b. The POT System Software allows the information, like routing number and account number to be recorded (read by reader), translated (software takes information), and accepts for transfer directly to the POT Cards memory (using a database to organize, language to communicate, and format to "universalize and organize" information on card memory with System Software).

Similarly, the disclosed Art enclosed is patentably distinct in these ways:

- 1.) The card is the "server" which assists in the transactions within the system. *There is no 3rd party verify!*
- 2.) Software is unique and works directly with card to transact and "upload" information for use during transactions. See #7 above.
- 3.) See numbers 1-5 above. *Mutually Exclusive.*

- X. Ramachandran, noted in Page 9, is populating a card with an outside device (not used in a complete system like an ATM or Network Register) or portable terminal that is separate and distinct from an ATM or Register that allows and encompasses the ability to import information by card reader and transact all within the same embodiment with use of the card as the "server."
- XI. As noted in Page 10 – Even by combining each of the noted prior Art of Kakuta, Lim, Wynn, and Ramachandran would not equal the POT System as noted and discussed in numbers 1-7 whereby the POT system has been explained that it is mutually exclusive from all known prior Art.
- XII. Page 11 Regarding Claim 31, 32, 33, 34, 35, 36-39: See the mutually exclusive part and read numbers 1-7.
- XIII. Regarding Kakuta: The CASIF Center suggests that there is an outside server that allows for the transaction to take place. With an outside server, that means that the apparatus is not truly Real Time and immediate in nature. Kakuta does not describe or disclose how (nor can it be assumed) the money is transferred directly (ie. By way of Routing number and Account number) to fund a purchase or transaction in real time directly to the "receiving" institution. Additionally, Kakuta does not describe or disclose a card that has the ability to use or contain multiple accounts to transact between and for bill pay, etc. Within that same regard, Kakuta is not and does not disclose the ability for money to transfer in "real time." Kakuta is silent in that regard except that the CASIF Center again suggests that there is no "real time" transaction if a authorization number comes from a 3<sup>rd</sup> party of sort, outside of the bank to bank transaction(s).

With that same line of thinking, Kakuta notes that: the communication section is described as being;

“ history inquiry operation section instruction inquiry on an account transaction history according to an operation; and

A history output section outputting an account transaction history based upon account transaction history information obtained by performing inquiry of an account transaction history.”

The POT POS System relies on the bank's information about the account(s)' "status" such as; balance, date, statements, past transactions, other Real Time account information like withdrawals or transfers, etc. Kakuta is not using multiple accounts or using the bar code "reader" in anyway close to the usage disclosed in the POT POS System coupled with the usage of bill pay, access account statements, etc.

Kakuta also does not talk about reading a bar code in order to upload that information in memory on the card for usage to transact for multiple types of financial and non-financial transactions. It is assumed in Kakuta that the information needed to transact is already on the card allowing for a transaction with only 1 account, not multiple accounts in [0059]. It is different because, the POT POS System is using and reading that information to store on a multiple card that allows for multiple types of real time transactions from the card.

Additionally, FIG 1 does not disclose, nor can one assume, that Kakuta is using the "instantaneous apparatus" jointly or separately in another already in use POS System. Disclosure to usage and its CAFIS Center function can again be assumed that it is a "server or processor" in the transaction, therefore is a different process and is differently settled within the scope of the invention of Workens. Quite possibly, Kakuta is calling the "instantaneous apparatus" instantaneous, when there is a 3<sup>rd</sup> party server verifying information from the bank(s)' server(s). Furthermore, Kakuta leaves out how funds are transferred in real time. There is no mention of a routing number or bank account number to facilitate a transaction.

Silent processes, therefore can not be assumed but must be disclosed. Additionally, Kakuta does not disclose its "instantaneous settlement apparatus" to be able to do more than that and provide account balances. The POT POS System allows for more services on a much broader scale; bill pay, statement access, account balances, etc.

One can also not assume that the code noted in Kakuta, is picking an account from a multiple listing of accounts. If it is silent, which it is all the way through the invention, than it is not disclosed as such, and can't be assumed to be part of the prior Art. Although it is noted as settling instantaneously, one familiar with the Art of Kakuta would know that the process and its "system" is quite different than Workens noted invention by way of multiple accounts, type of transactions, money movement/process and usage. Again, without disclosing how money is moved, Kakuta can't protect it without proper disclosure, nor can it be fairly assumed.

Regarding Page 14 – What do you mean in Paragraph 2 on Claim 25 and Claim 41. Regarding Claim 65 on page 14, as discussed above in previous paragraphs, the invention is noted to provide a statement of account information from the system by way of being requested and initiated by the card.

With the exception of regular ATM's today that may provide a mini statement of 10 transactions or less, no other invention or known prior Art can offer this service by way of a POS POT machine in Real Time information in a multiple card and transact with multiple accounts simultaneously. Nowhere is it disclosed that the prior Arts of Kakuta, Lim, Wynn, and Ramachandran are able or have disclosed that they are able to take multiple account information and print it, in aggregated format onto a statement or receipt, as the POT POS System allows and discloses.

Arguably, Kakuta does note over many paragraphs how the account information is printed out on paper, Kakuta fails to fully show that the system is able gather multiple account information in the same way it is processed by Workens invention.

Aggregate transaction information isn't just for the "user." Aggregate account and individual account information can be used and is for the banks, retailers, individuals, etc. for tracking and marketing purposes. Neither Kakuta, Wynn, Lim, or Ramachandran disclose or suggest that the System Software which accompanies the "System" provide these types of services or assist in the completion of the transaction(s).

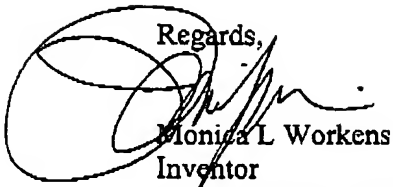
Again, Kakuta can say that the known Art can settle instantaneously. But without full disclosure on how that "transaction is settled" including the further definition of the CAFIS Center, it is unfair to assume or deny a different process of settlement based on one similarity of function.

Assuming both inventions settled instantaneously or in Real Time, one must define and illustrate that the money is moved to the "Retailer" (on a purchase, for example) immediately to pay for the item purchased by the "user" or purchaser. Kakuta neither describes it or can it be assumed that it can be directed to the Retailer directly in his drawings or descriptions. Paragraph [0038] illustrates there is not communication directly from one Institution (ie Bank of America Visa Card) to another (ie Wal-Mart's bank Account for "merchant transactions" Citi Bank). The illustration only shows one side of a transaction providing no real disclosure or function that is similar to Workens POT POS System /Invention. Under 37 CFR 1.56 (b), this information regarding how the invention settles the transaction instantaneously would be considered material. Without disclosure of the invention and its "patent unique system" it should be considered undisclosed, therefore not patentable against Workens' invention.

In conclusion, the claims that have been provided, herein enclosed, edited, and further disclosed, allow for the better description and readability for the Examiner to see that the enclosed is Patentable and verifiably mutually different for those familiar with the known Art.

— 6 —

Regards,



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